

**IN THE U. S. DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>ROLAND L. ENGRAM,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No.:</b>
	)	
<b>MIDLAND FUNDING, LLC, and</b>	)	
<b>MIDLAND CREDIT</b>	)	
<b>MANAGEMENT, INC.,</b>	)	
	)	
<b>Defendants</b>	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1441, Midland Funding, LLC (“Midland Funding”) and Midland Credit Management, Inc. (“Midland Credit”) (collectively, “Midland”) hereby remove this action to this Court. In support, Midland states as follows:

1. Midland Funding and Midland Credit were named as defendants in Civil Action No. CV-2012-900618 filed in the Circuit Court of Jefferson County, Alabama (the “State Court Action”).

2. The Complaint in the State Court Action was filed with the Clerk of the Circuit Court of Jefferson County, Alabama on February 25, 2012. Midland Credit and Midland Funding were both served with the Complaint on March 5, 2012.

3. This Notice is being filed with this Court within thirty days after Midland received a copy of Plaintiff's initial pleading setting forth the claims for relief upon which Plaintiff's action is based.

4. A copy of all process, pleadings, and orders served upon Midland in the State Court Action is attached hereto as Exhibit A.

5. The Plaintiff asserts, among other things, a claim for relief against Midland arising under the federal Fair Debt Collection Practices Act ("FDCPA").<sup>1</sup> *See* Compl. ¶ 1 ("This action arises out of Defendants' repeated violations of the Fair Debt Collection Practices Act ..."); *id.* ¶ 126 (alleging that collection actions violated FDCPA); *id.* at 15 (entitling Count I "Violations of the Fair Debt Collection Practices Act"). Thus, this Court has original subject matter jurisdiction over the above-captioned action pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692c. This Court has supplemental jurisdiction over any related state law claims under 28 U.S.C. § 1367. This action, therefore, may properly be removed to this United States District Court pursuant to 28 U.S.C. §§ 1441(a) and (b).

---

<sup>1</sup> The FDCPA provides that "an action to enforce any liability created by this title may be brought in any appropriate United States district court without regarding to the amount in controversy. . . ." 15 U.S.C. § 1692k(d). Actions brought in state court under the FDCPA are removable to the appropriate federal district court. *Lockard v. Equifax, Inc.*, 163 F.3d 1259, 1263 (11<sup>th</sup> Cir. 1999).

6. No other defendants were named or served with the Complaint in the State Court Action; therefore, Midland is not required to obtain another's consent and joinder in this Notice of Removal.

7. Promptly after filing of this Notice of Removal, Midland shall provide notice of the removal to Plaintiff through Plaintiff's attorneys of record in the State Court Action and to the Clerk of the Circuit Court of Jefferson County, as required by 28 U.S.C. § 1446(d).

DATED this 4th day of April, 2012.

/s/ Jason B. Tompkins

One of the Attorneys for Defendants  
Midland Funding, LLC and  
Midland Credit Management, Inc.

**OF COUNSEL:**

Eric B. Langley  
Jason B. Tompkins  
BALCH & BINGHAM LLP  
1710 Sixth Avenue North  
Post Office Box 306  
Birmingham, Alabama 35201-0306  
Telephone: 205-251-8100  
Facsimile: 205-226-8798  
[elangley@balch.com](mailto:elangley@balch.com)  
[jtompkins@balch.com](mailto:jtompkins@balch.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served upon the following counsel of record by email and by U.S. mail on this the 4th day of April, 2012:

Mr. John G. Watts  
Mr. M. Stan Herring  
Watts & Herring, LLC  
The Kress Building  
301 19th Street North  
Birmingham, AL 35203  
[john@wattsherring.com](mailto:john@wattsherring.com)  
[stan@wattsherring.com](mailto:stan@wattsherring.com)

/s/ Jason B. Tompkins

Of Counsel